

<b>Report of:</b>	<p>The Mayor - Executive Member for Children's Safeguarding and Adult Social Care and Public Protection</p> <p>Councillor Barrie Cooper - Executive Member for Environment and Finance &amp; Governance</p> <p>Director of Legal and Governance Services: Charlotte Benjamin</p>
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<b>Submitted to:</b>	Executive - 7 September 2021
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<b>Subject:</b>	Final Report of the Ad Hoc Scrutiny Panel – Members’ Communications – Service Response
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**Summary**

<b>Proposed decision(s)</b>
<p>That the Executive</p> <p>a. Notes the content of the Scrutiny Report and the recommendations of the Scrutiny Panel (attached as Appendix A)</p> <p>b. Approves the Service Response - Action Plan (attached as Appendix B).</p>

<b>Report for:</b>	<b>Key decision:</b>	<b>Confidential:</b>	<b>Is the report urgent?</b>
Decision	No	No	No

<b>Contribution to delivery of the 2021-24 Strategic Plan</b>		
<b>People</b>	<b>Place</b>	<b>Business</b>
<p>Communications via various mediums (including social media) are a vital strategic function which supports members, senior officers and the wider organisation and partnerships to improve outcomes for communities and the town.</p>		

<b>Ward(s) affected</b>
N/A

**What is the purpose of this report?**

1. The purpose of this report is provide an overview of the Ad Hoc Scrutiny Panel's scrutiny into Members’ Communications and to ask Executive members to consider the service response (Action Plan), to the Ad Hoc Scrutiny panel's recommendations on Members Communications.

## Why does this report require a Member decision?

2. The Scrutiny Panel have recommended that a report is submitted to the Executive in order that an informed decision is made.

## Report Background

3. The Ad Hoc Scrutiny Panel undertook a scrutiny review in order to understand the Council's current position with regard to Members' Communications and the role social media plays in Members' Communications.
4. As a result of the information received, and based on the conclusions above, the Ad Hoc Scrutiny Panel's recommendations for consideration are as follows:
  - I. **That a communications plan be implemented that aligns with the refreshed Strategic Plan 2021-2024 to ensure consistency and direction of council communications.**
  - II. **To ensure Members are well versed on social media etiquette; a training package be delivered to Members on the appropriate use of social media. Training should be carried out as a mandatory requirement on an annual basis (minimum).**
  - III. **That the principles of proper behaviour on social media be reflected in the revised Member Code of Conduct; and**
  - IV. **As a corollary of recommendations one and two; a framework be developed to provide clarity to all Members on the appropriate use of social media.**
5. Effective communication is not just about the delivery or quality of the communication itself – it is about creating the right environment and conditions – or culture - to enable good communication.
6. It is important that the Executive examines the report and the findings and amongst others themes highlighted, considers:
  - The importance of understanding our Culture – how it affects us, our wellbeing, our success and our productivity; what our culture is and what we want and need it to be
  - How we engage and promote effective communications with all members to deliver news and key messages at the right time and in the most appropriate way.
  - Inappropriate use of social media and mobile devices could be used as grounds to challenge a contentious decision or result in breaches of the Members' Code of Conduct.
  - The importance of internal communications and the style of our communications, including the ability to listen, communicate with kindness and challenge with respect.

- Effective communication and engagement is not just a function of one department, but is part of everyone's role across every part of the Council.
  - The importance of Leadership which carries the vision and values of the organisation.
7. A marketing and communications delivery plan that is aligned with the Strategic Plan 2021-24 has previously been approved by LMT and informal Executive and was presented to the Ad Hoc Scrutiny Panel. The Communications Team is now working with directorates to implement it.
  8. Following the meeting of the Ad Hoc Scrutiny Panel an initial social media training session was arranged for members in May 2021. However, that session was poorly attended by elected members. The recommendation for such training to be mandatory will be put forward to the next Constitution and Members' Development Committee for consideration, although social media training is a regular event on the Member Development Programme.
  9. The conduct and activities of councillors is underpinned by the council's Members' Code of Conduct, which sets out the obligations placed upon councillors in their general communication with officers, colleagues and residents. The Members' Code of Conduct was updated to reflect the use of social media and was considered and approved by Council on 28 July 2021.
  10. All Members were advised that the Code applies to all forms of member communication and interaction, including written, non-verbal, electronic and via social media, including where members could be deemed to be representing the Council or if there are potential implications for the Council's reputation.
  11. It is recognised that social media can be an effective tool for elected officials who want to engage with and convey important messages to their communities and members' use of social media is welcomed; however there is a wide recognition that there are potential issues which the use of social media raises.
  12. To help support and facilitate members in the use of social media it is agreed that a protocol should be developed to provide guidance and a summary of the main issues for Members to consider, some 'Do's and Don'ts' and further more detailed information about the legal framework and examples of how social media activity might fall within the scope of the Members' Code of Conduct.
  13. Marketing and Communications will work with Democratic Services to develop a social media framework/ protocol. This framework can then be used as the basis for an annual training session. In the meantime Local Government Association guidance on social media has been circulated to all Councillors.
  14. The Executive is asked to:
    - a. Note the content of the Scrutiny Report and the recommendations of the Scrutiny Panel (attached as appendix A)
    - b. Approve the Service Response - Action Plan (attached as appendix B.)

## **Why is this being recommended?**

15. Politically, there will inevitably be differences of opinion between members and they should be free to avail themselves of media platforms to promote Middlesbrough where possible. However, a mechanism should be implemented that all Members are bound by, which ensures the quality and equity of the messages being transmitted.

## **Other potential decisions and why these have not been recommended**

16. N/A

## **Impact(s) of recommended decision(s)**

17. Having a social media protocol and guidance in place for using social media effectively will also indicate how any risks or pitfalls can be minimised or mitigated.

## ***Legal***

18. In the same way as anyone else publishing material, members will need to be aware of the laws that may apply to published material. Some of the main ones include:

- **Defamation:** if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages;
- **Copyright:** publishing information that is not yours, without permission, may also result in an award of damages against you;
- **Harassment:** it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment or distress;
- **Data protection:** do not publish personal data of other people, including photographs, without their express permission to do so;
- **Incitement:** it is an offence to incite any criminal act;
- **Discrimination** and 'protected characteristics': it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010);
- **Malicious and obscene communications:** it is an offence to send malicious or obscene communications.
- **Freedom of information:** any information held on or behalf of the local authority may be subject to a disclosure request under the Freedom of Information Act 2000.

## ***Financial***

19. There are no financial implications for this report

## ***Policy Framework***

20. This report is supported by the Member Development Policy and Skills Framework

## ***Equality and Diversity***

21. The proposed protocol and framework affects all member equally.

**Risk**

22. The basic challenge for elected members is to move with the times, embrace the social media, harness its power and use social media to benefit the lives of the electorate. As the popularity of social media grows at a rapid rate, local government cannot afford to get left behind. Elected members have to use social media wisely and in a way that leads to positive engagement. Having a Members social media framework in place will help mitigate those risks

**Actions to be taken to implement the decision(s)**

23. Marketing and Communications will work with Democratic Services to develop an elected Members Social Media framework.

**Appendices**

- A Final Report of the Ad Hoc Scrutiny Panel – Members’ Communications –
- B. Service Area response - Action Plan

Body	Report title	Date

**Contact:**

- Andrew Glover – Head of Marketing and Communications
- Sylvia Reynolds – Head of Democratic Services